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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

AVI YARON, Individually and On Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

INTERSECT ENT, INC., LISA D.  
EARNHARDT, JERYL L. HILLEMANN,  
and ROBERT H. BINNEY, JR.,

Defendants.

Case No.: 4:19-cv-02647-JSW

Judge: Hon. Jeffrey S. White

**Hearing Date: November 5, 2021**

**~~[PROPOSED]~~ ORDER AWARDING ATTORNEYS' FEES  
AND REIMBURSEMENT OF LITIGATION EXPENSES**

This matter came on for hearing on November 5, 2021 (the "Settlement Hearing") on Lead Counsel's motion for an award of attorneys' fees and reimbursement of Litigation Expenses. The Court having considered all matters submitted to it at the Settlement Hearing and otherwise; and it appearing that notice of the Settlement Hearing substantially in the form approved by the Court was mailed to all Settlement Class Members who or which could be identified with reasonable effort, and that a summary notice of the hearing substantially in the form approved by the Court was published in *Investor's Business Daily* and was transmitted over the *PRNewswire* pursuant to the specifications of the Court; and the Court having considered and determined the fairness and reasonableness of the award of attorneys' fees and Litigation Expenses requested,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated May 13, 2021 (ECF No. 64-1) (the "Stipulation") and all capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation.



1 no objections to the requested attorneys' fees and expenses;

2 C. Plaintiff's Counsel has conducted the litigation and achieved the Settlement  
3 with skill, perseverance and diligent advocacy;

4 D. The Action raised a number of complex issues;

5 E. Had Plaintiff's Counsel not achieved the Settlement there would remain a  
6 significant risk that Lead Plaintiff and the other members of the Settlement Class may have  
7 recovered less or nothing from Defendants;

8 F. Plaintiff's Counsel undertook the Action on a fully contingent basis, thereby  
9 assuming the risk of loss;

10 G. Plaintiff's Counsel devoted over 1,500 hours, with a lodestar value of  
11 approximately \$1,101,535.00 to achieve the Settlement; and  
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13 H. The amount of attorneys' fees awarded and expenses to be reimbursed from  
14 the Settlement Fund are fair and reasonable and consistent with awards in similar cases.  
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16 6. Lead Plaintiff Avi Yaron is hereby awarded \$ 5,000 from the Settlement  
17 Fund as reimbursement for his reasonable costs and expenses directly related to his representation  
18 of the Settlement Class.

19 7. Any appeal or any challenge affecting this Court's approval regarding any  
20 attorneys' fees and expense application shall in no way disturb or affect the finality of the  
21 Judgment.  
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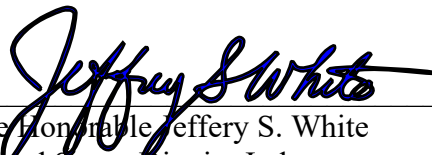
23 8. Exclusive jurisdiction is hereby retained over the parties and the Settlement Class  
24 Members for a period of five (5) years for all matters relating to this Action, including the  
25 administration, interpretation, effectuation or enforcement of the Stipulation and this Order.

26 9. In the event that the Settlement is terminated or the Effective Date of the Settlement  
27 otherwise fails to occur, this Order shall be rendered null and void to the extent provided by the  
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1 Stipulation.

2 10. There is no just reason for delay in the entry of this Order, and immediate entry by  
3 the Clerk of the Court is expressly directed.

4 SO ORDERED this 5th day of November, 2021.

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8 The Honorable Jeffery S. White  
9 United States District Judge  
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